

H. R. 313

IN THE HOUSE OF REPRESENTATIVES

Mr. VENTO introduced the following bill; which was referred to the Committee
on Commerce

To regulate the use by interactive computer services of personally identifiable information provided by subscribers to such services.

3 SECTION 1. SHORT TITLE.

6 SEC. 2. REGULATION OF USE BY AN INTERACTIVE COM-
7 PUTER SERVICE OF A SUBSCRIBER'S PER-
8 SONALLY IDENTIFIABLE INFORMATION.

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1 (1) IN GENERAL.—An interactive computer
2 service shall not disclose to a third party any person-
3 ally identifiable information provided by a subscriber
4 to such service without the subscriber's prior in-
5 formed written consent.

6 (2) REVOCATION OF CONSENT.—Such service
7 shall permit a subscriber to revoke the consent
8 granted under paragraph (1) at any time, and upon
9 such revocation, such service shall cease disclosing
10 such information to a third party.

11 (b) KNOWING DISCLOSURE OF FALSIFIED PERSON-
12 ALLY IDENTIFIABLE INFORMATION PROHIBITED.—An
13 interactive computer service or an employee of such service
14 shall not knowingly disclose to a third party any personally
15 identifiable information provided by a subscriber to such
16 service that such service, or such employee, has knowingly
17 falsified.

18 (c) SUBSCRIBER ACCESS TO PERSONALLY IDENTIFI-
19 ABLE INFORMATION.—

20 (1) IN GENERAL.—At a subscriber's request, an
21 interactive computer service shall—

22 (A) provide the subscriber's personally
23 identifiable information maintained by the serv-
24 ice to the subscriber;

1 (B) permit the subscriber to verify such in-
2 formation maintained by the service; and

3 (C) permit the subscriber to correct any
4 error in such information.

5 (2) ACCESS TO IDENTITY OF RECIPIENTS OF
6 INFORMATION.—At a subscriber's request, the serv-
7 ice shall provide to the subscriber the identity of the
8 third party recipients of the subscriber's personally
9 identifiable information.

10 (3) FEE.—The service shall not charge a fee to
11 the subscriber for making available the information
12 under this subsection.

13 **SEC. 3. ENFORCEMENT AND RELIEF.**

14 (a) FEDERAL TRADE COMMISSION.—The Federal
15 Trade Commission shall have the authority to examine
16 and investigate an interactive computer service to deter-
17 mine whether such service has been or is engaged in any
18 act or practice prohibited by this Act.

19 (b) RELIEF.—

20 (1) CEASE AND DESIST ORDER.—If the Federal
21 Trade Commission determines an interactive com-
22 puter service has been or is engaged in any act or
23 practice prohibited by this Act, the Commission may
24 issue a cease and desist order as if such service were

1 in violation of section 5 of the Federal Trade Com-
2 mission Act.

3 (2) CIVIL ACTION.—A subscriber aggrieved by a
4 violation of section 2 may in a civil action obtain ap-
5 propriate relief.

6 **SEC. 4. DEFINITIONS.**

7 As used in this Act—

8 (1) the term “interactive computer service”
9 means any information service that provides com-
10 puter access to multiple users via modem to the
11 Internet;

12 (2) the term “Internet” means the international
13 computer network of both Federal and non-Federal
14 interoperable packet switched data networks;

15 (3) the term “personally identifiable informa-
16 tion” has the meaning given such term in section
17 631 of the Communications Act of 1934 (47 U.S.C.
18 551);

19 (4) the term “informed written consent” means
20 a statement—

21 (A) in writing and freely signed by a sub-
22 scriber;

23 (B) consenting to the disclosures such
24 service will make of the information provided;
25 and

1 (C) describing the rights of the subscriber
2 under this Act; and

3 (5) the term "third party" means, with respect
4 to the disclosure of personally identifiable informa-
5 tion provided by a subscriber to an interactive com-
6 puter service, a person or other entity other than—

7 (A) such service;

8 (B) an employee of such service; or

9 (C) that subscriber to such service.

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